

# House File 710 - Enrolled

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1 1 HOUSE FILE 710  
1 2  
1 3 AN ACT  
1 4 RELATING TO THE REGULATION OF ELDER GROUP HOMES AND PROVIDING  
1 5 PENALTIES.  
1 6  
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. Section 231B.1, Code 2005, is amended by  
1 10 striking the section and inserting in lieu thereof the  
1 11 following:  
1 12 231B.1 DEFINITIONS.  
1 13 1. "Department" means the department of elder affairs or  
1 14 the department's designee.  
1 15 2. "Elder" means a person sixty years of age or older.  
1 16 3. "Elder group home" means a single-family residence that  
1 17 is operated by a person who is providing room, board, and  
1 18 personal care and may provide health-related services to three  
1 19 through five elders who are not related to the person  
1 20 providing the service within the third degree of consanguinity  
1 21 or affinity, and which is staffed by an on-site manager  
1 22 twenty-four hours per day, seven days per week.  
1 23 4. "Governmental unit" means the state, or any county,  
1 24 municipality, or other political subdivision or any  
1 25 department, division, board, or other agency of any of these  
1 26 entities.  
1 27 5. "Health-related care" means services provided by a  
1 28 registered nurse or a licensed practical nurse, on a part-time  
1 29 or intermittent basis, and services provided by other licensed  
1 30 health care professionals, on a part-time or intermittent  
1 31 basis.  
1 32 6. "Medication setup" means assistance with various steps  
1 33 of medication administration to support a tenant's autonomy,  
1 34 which may include but is not limited to routine prompting,  
1 35 cueing and reminding, opening containers or packaging at the  
2 1 direction of the tenant, reading instructions or other label  
2 2 information, or transferring medications from the original  
2 3 container into suitable medication dispensing containers,  
2 4 reminder containers, or medication cups.  
2 5 7. "Occupancy agreement" means a written agreement entered  
2 6 into between an elder group home and a tenant that clearly  
2 7 describes the rights and responsibilities of the elder group  
2 8 home and the tenant, and other information required by rule.  
2 9 "Occupancy agreement" may include a separate signed lease and  
2 10 signed service agreement.  
2 11 8. "Personal care" means assistance with the essential  
2 12 activities of daily living which may include but are not  
2 13 limited to transferring, bathing, personal hygiene, dressing,  
2 14 grooming, and housekeeping that are essential to the health  
2 15 and welfare of a tenant.  
2 16 9. "Tenant" means an individual who receives elder group  
2 17 home services through a certified elder group home.  
2 18 10. "Tenant advocate" means the office of the long-term  
2 19 care resident's advocate established in section 231.42.  
2 20 11. "Tenant's legal representative" means a person  
2 21 appointed by the court to act on behalf of a tenant, or a  
2 22 person acting pursuant to a power of attorney.  
2 23 Sec. 2. NEW SECTION. 231B.1A FINDINGS, PURPOSE, AND  
2 24 INTENT.  
2 25 1. The general assembly finds that elder group homes are  
2 26 an important part of the long-term care continua in this  
2 27 state. Elder group homes emphasize the independence and  
2 28 dignity of the individual while providing housing in a cost-  
2 29 effective manner.  
2 30 2. The purposes of establishing and regulating elder group  
2 31 homes include all of the following:  
2 32 a. To encourage the establishment and maintenance of a  
2 33 safe and homelike environment for individuals of all income  
2 34 levels who require assistance with personal care to live  
2 35 independently but who require health-related care only on a  
3 1 part-time or intermittent basis.  
3 2 b. To establish standards for elder group homes that allow  
3 3 flexibility in design, which promotes a model of service  
3 4 delivery by focusing on individual independence, needs and  
3 5 desires, and consumer-driven quality of service.

3 6 c. To encourage public participation in the development of  
3 7 elder group home programs for individuals of all income  
3 8 levels.

3 9 3. It is the intent of the general assembly that the  
3 10 department of elder affairs establish policy for elder group  
3 11 homes and that the department of inspections and appeals  
3 12 enforce this chapter.

3 13 Sec. 3. Section 231B.2, Code 2005, is amended by striking  
3 14 the section and inserting in lieu thereof the following:

3 15 231B.2 CERTIFICATION OF ELDER GROUP HOMES == RULES.

3 16 1. The department shall establish by rule, in accordance  
3 17 with chapter 17A, minimum standards for certification and  
3 18 monitoring of elder group homes. The department may adopt by  
3 19 reference, with or without amendment, nationally recognized  
3 20 standards and rules for elder group homes. The standards and  
3 21 rules shall be formulated in consultation with the department  
3 22 of inspections and appeals and affected industry,  
3 23 professional, and consumer groups and shall be designed to  
3 24 accomplish the purposes of this chapter and shall include but  
3 25 not be limited to rules relating to all of the following:

3 26 a. Provisions to ensure, to the greatest extent possible,  
3 27 the health, safety, well-being, and appropriate treatment of  
3 28 tenants.

3 29 b. Requirements that elder group homes furnish the  
3 30 department of elder affairs and the department of inspections  
3 31 and appeals with specified information necessary to administer  
3 32 this chapter. All information related to the provider  
3 33 application for an elder group home presented to either the  
3 34 department of inspections and appeals or the department of  
3 35 elder affairs shall be considered a public record pursuant to  
4 1 chapter 22.

4 2 c. Standards for tenant evaluation or assessment, which  
4 3 may vary in accordance with the nature of the services  
4 4 provided or the status of the tenant.

4 5 d. Provisions for granting short-term waivers for tenants  
4 6 who exceed occupancy criteria.

4 7 2. Each elder group home operating in this state shall be  
4 8 certified by the department of inspections and appeals.

4 9 3. The owner or manager of a certified elder group home  
4 10 shall comply with the rules adopted by the department for an  
4 11 elder group home. A person, including a governmental unit,  
4 12 shall not represent an elder group home to the public as an  
4 13 elder group home or as a certified elder group home unless and  
4 14 until the program is certified pursuant to this chapter.

4 15 4. a. Services provided by a certified elder group home  
4 16 may be provided directly by staff of the elder group home, by  
4 17 individuals contracting with the elder group home to provide  
4 18 services, or by individuals employed by the tenant or with  
4 19 whom the tenant contracts if the tenant agrees to assume the  
4 20 responsibility and risk of the employment or the contractual  
4 21 relationship.

4 22 b. If a tenant is terminally ill and has elected to  
4 23 receive hospice services under the federal Medicare program  
4 24 from a Medicare-certified hospice program, the elder group  
4 25 home and the Medicare-certified hospice program shall enter  
4 26 into a written agreement under which the hospice program  
4 27 retains professional management responsibility for those  
4 28 services.

4 29 5. The department of inspections and appeals may enter  
4 30 into contracts to provide certification and monitoring of  
4 31 elder group homes. The department of inspections and appeals  
4 32 shall:

4 33 a. Have full access at reasonable times to all records,  
4 34 materials, and common areas pertaining to the provision of  
4 35 services and care to the tenants of a program during  
5 1 certification, monitoring, and complaint investigations of  
5 2 programs seeking certification, currently certified, or  
5 3 alleged to be uncertified.

5 4 b. With the consent of the tenant, visit the tenant's  
5 5 unit.

5 6 6. A department, agency, or officer of this state or of  
5 7 any governmental unit shall not pay or approve for payment  
5 8 from public funds any amount to an elder group home for an  
5 9 actual or prospective tenant, unless the program holds a  
5 10 current certificate issued by the department of inspections  
5 11 and appeals and meets all current requirements for  
5 12 certification.

5 13 7. The department shall adopt rules regarding the  
5 14 conducting or operating of another business or activity in the  
5 15 distinct part of the physical structure in which the elder  
5 16 group home is operated, if the business or activity serves

5 17 persons who are not tenants. The rules shall be developed in  
5 18 consultation with the department of inspections and appeals  
5 19 and affected industry, professional, and consumer groups.

5 20 8. An elder group home shall comply with section 135C.33.

5 21 9. The department of elder affairs and the department of  
5 22 inspections and appeals shall conduct joint training sessions  
5 23 for personnel responsible for conducting monitoring  
5 24 evaluations and complaint investigations of elder group homes.

5 25 10. Certification shall be for two years unless revoked  
5 26 for good cause by the department of inspections and appeals.

5 27 Sec. 4. Section 231B.4, Code 2005, is amended by striking  
5 28 the section and inserting in lieu thereof the following:

5 29 231B.4 ZONING == FIRE AND SAFETY STANDARDS.

5 30 An elder group home shall be located in an area zoned for  
5 31 single=family or multiple=family housing or in an  
5 32 unincorporated area and shall be constructed in compliance  
5 33 with applicable local housing codes and the rules adopted for  
5 34 the special classification by the state fire marshal. In the  
5 35 absence of local building codes, the facility shall comply  
6 1 with the state plumbing code established pursuant to section  
6 2 135.11 and the state building code established pursuant to  
6 3 section 103A.7 and the rules adopted for the special  
6 4 classification by the state fire marshal. The rules adopted  
6 5 for the special classification by the state fire marshal  
6 6 regarding second floor occupancy shall be adopted in  
6 7 consultation with the department of elder affairs and shall  
6 8 take into consideration the mobility of the tenants.

6 9 Sec. 5. NEW SECTION. 231B.5 WRITTEN OCCUPANCY AGREEMENT  
6 10 REQUIRED.

6 11 1. An elder group home shall not operate in this state  
6 12 unless a written occupancy agreement, as prescribed in  
6 13 subsection 2, is executed between the elder group home and  
6 14 each tenant or the tenant's legal representative prior to the  
6 15 tenant's occupancy, and unless the elder group home operates  
6 16 in accordance with the terms of the occupancy agreement. The  
6 17 elder group home shall deliver to the tenant or the tenant's  
6 18 legal representative a complete copy of the occupancy  
6 19 agreement and all supporting documents and attachments and  
6 20 shall deliver at least thirty days prior to any changes, a  
6 21 written copy of changes to the occupancy agreement if any  
6 22 changes to the copy originally delivered are subsequently  
6 23 made, unless otherwise provided in this section.

6 24 2. An elder group home occupancy agreement shall clearly  
6 25 describe the rights and responsibilities of the tenant and the  
6 26 elder group home. The occupancy agreement shall also include  
6 27 but is not limited to inclusion of all of the following  
6 28 information in the body of the agreement or in the supporting  
6 29 documents and attachments:

6 30 a. A description of all fees, charges, and rates  
6 31 describing tenancy and basic services covered, and any  
6 32 additional and optional services and their related costs.

6 33 b. A statement regarding the impact of the fee structure  
6 34 on third=party payments, and whether third=party payments and  
6 35 resources are accepted by the elder group home.

7 1 c. The procedure followed for nonpayment of fees.

7 2 d. Identification of the party responsible for payment of  
7 3 fees and identification of the tenant's legal representative,  
7 4 if any.

7 5 e. The term of the occupancy agreement.

7 6 f. A statement that the elder group home shall notify the  
7 7 tenant or the tenant's legal representative, as applicable, in  
7 8 writing at least thirty days prior to any change being made in  
7 9 the occupancy agreement with the following exceptions:

7 10 (1) When the tenant's health status or behavior  
7 11 constitutes a substantial threat to the health or safety of  
7 12 the tenant, other tenants, or others, including when the  
7 13 tenant refuses to consent to relocation.

7 14 (2) When an emergency or a significant change in the  
7 15 tenant's condition results in the need for the provision of  
7 16 services that exceed the type or level of services included in  
7 17 the occupancy agreement and the necessary services cannot be  
7 18 safely provided by the elder group home.

7 19 g. A statement that all tenant information shall be  
7 20 maintained in a confidential manner to the extent required  
7 21 under state and federal law.

7 22 h. Occupancy, involuntary transfer, and transfer criteria  
7 23 and procedures, which ensure a safe and orderly transfer.

7 24 i. The internal appeals process provided relative to an  
7 25 involuntary transfer.

7 26 j. The program's policies and procedures for addressing  
7 27 grievances between the elder group home and the tenants,

7 28 including grievances relating to transfer and occupancy.  
7 29 k. A statement of the prohibition against retaliation as  
7 30 prescribed in section 231B.13.  
7 31 l. The emergency response policy.  
7 32 m. The staffing policy which specifies if nurse delegation  
7 33 will be used, and how staffing will be adapted to meet  
7 34 changing tenant needs.  
7 35 n. The refund policy.  
8 1 o. A statement regarding billing and payment procedures.  
8 2 3. Occupancy agreements and related documents executed by  
8 3 each tenant or tenant's legal representative shall be  
8 4 maintained by the elder group home from the date of execution  
8 5 until three years from the date the occupancy agreement is  
8 6 terminated. A copy of the most current occupancy agreement  
8 7 shall be provided to members of the general public, upon  
8 8 request. Occupancy agreements and related documents shall be  
8 9 made available for on-site inspection to the department of  
8 10 inspections and appeals upon request and at reasonable times.  
8 11 Sec. 6. NEW SECTION. 231B.6 INVOLUNTARY TRANSFER.  
8 12 1. If an elder group home initiates the involuntary  
8 13 transfer of a tenant and the action is not a result of a  
8 14 monitoring evaluation or complaint investigation by the  
8 15 department of inspections and appeals, and if the tenant or  
8 16 tenant's legal representative contests the transfer, the  
8 17 following procedure shall apply:  
8 18 a. The elder group home shall notify the tenant or  
8 19 tenant's legal representative, in accordance with the  
8 20 occupancy agreement, of the need to transfer, the reason for  
8 21 the transfer, and the contact information of the tenant  
8 22 advocate.  
8 23 b. The elder group home shall provide the tenant advocate  
8 24 with a copy of the notification to the tenant.  
8 25 c. The tenant advocate shall offer the notified tenant or  
8 26 tenant's legal representative assistance with the program's  
8 27 internal appeals process. The tenant is not required to  
8 28 accept the assistance of the tenant advocate.  
8 29 d. If, following the internal appeals process, the elder  
8 30 group home upholds the transfer decision, the tenant or the  
8 31 tenant's legal representative may utilize other remedies  
8 32 authorized by law to contest the transfer.  
8 33 2. The department, in consultation with the department of  
8 34 inspections and appeals and affected industry, professional,  
8 35 and consumer groups, shall establish by rule, in accordance  
9 1 with chapter 17A, procedures to be followed, including the  
9 2 opportunity for hearing, when the transfer of a tenant results  
9 3 from a monitoring evaluation or complaint investigation  
9 4 conducted by the department of inspections and appeals.  
9 5 Sec. 7. NEW SECTION. 231B.7 COMPLAINTS.  
9 6 1. Any person with concerns regarding the operations or  
9 7 service delivery of an elder group home may file a complaint  
9 8 with the department of inspections and appeals. The name of  
9 9 the person who files a complaint with the department of  
9 10 inspections and appeals and any personal identifying  
9 11 information of the person or any tenant identified in the  
9 12 complaint shall be kept confidential and shall not be subject  
9 13 to discovery, subpoena, or other means of legal compulsion for  
9 14 its release to a person other than department of inspections  
9 15 and appeals' employees involved with the complaint.  
9 16 2. The department, in cooperation with the department of  
9 17 inspections and appeals, shall establish procedures for the  
9 18 disposition of complaints received in accordance with this  
9 19 section.  
9 20 Sec. 8. NEW SECTION. 231B.8 INFORMAL REVIEW.  
9 21 1. If an elder group home contests the findings of  
9 22 regulatory insufficiencies of a monitoring evaluation or  
9 23 complaint investigation, the program shall submit written  
9 24 information, demonstrating that the program was in compliance  
9 25 with the applicable requirement at the time of the monitoring  
9 26 evaluation or complaint investigation of the regulatory  
9 27 insufficiencies, to the department of inspections and appeals  
9 28 for review.  
9 29 2. The department of inspections and appeals shall review  
9 30 the written information submitted within ten working days of  
9 31 the receipt of the information. At the conclusion of the  
9 32 review, the department of inspections and appeals may affirm,  
9 33 modify, or dismiss the regulatory insufficiencies. The  
9 34 department of inspections and appeals shall notify the program  
9 35 in writing of the decision to affirm, modify, or dismiss the  
10 1 regulatory insufficiencies, and the reasons for the decision.  
10 2 3. In the case of a complaint investigation, the  
10 3 department of inspections and appeals shall also notify the

10 4 complainant, if known, of the decision and the reasons for the  
10 5 decision.

10 6 Sec. 9. NEW SECTION. 231B.9 PUBLIC DISCLOSURE OF  
10 7 FINDINGS.

10 8 Upon completion of a monitoring evaluation or complaint  
10 9 investigation of an elder group home by the department of  
10 10 inspections and appeals pursuant to this chapter, including  
10 11 the conclusion of all administrative appeals processes, the  
10 12 department of inspections and appeals' final findings with  
10 13 respect to compliance by the elder group home with  
10 14 requirements for certification shall be made available to the  
10 15 public in a readily available form and place. Other  
10 16 information relating to an elder group home that is obtained  
10 17 by the department of inspections and appeals which does not  
10 18 constitute the department of inspections and appeals' final  
10 19 findings from a monitoring evaluation or complaint  
10 20 investigation of the elder group home shall be made available  
10 21 to the department of elder affairs upon request to facilitate  
10 22 policy decisions, but shall not be made available to the  
10 23 public except in proceedings involving the denial, suspension,  
10 24 or revocation of a certificate under this chapter.

10 25 Sec. 10. NEW SECTION. 231B.10 DENIAL, SUSPENSION, OR  
10 26 REVOCATION == CONDITIONAL OPERATION.

10 27 1. The department of inspections and appeals may deny,  
10 28 suspend, or revoke a certificate in any case where the  
10 29 department of inspections and appeals finds that there has  
10 30 been a substantial or repeated failure on the part of the  
10 31 elder group home to comply with this chapter or minimum  
10 32 standards adopted under this chapter or for any of the  
10 33 following reasons:

10 34 a. Appropriation or conversion of the property of an elder  
10 35 group home tenant without the tenant's written consent or the  
11 1 written consent of the tenant's legal representative.

11 2 b. Permitting, aiding, or abetting the commission of any  
11 3 illegal act in the elder group home.

11 4 c. Obtaining or attempting to obtain or retain a  
11 5 certificate by fraudulent means, misrepresentation, or by  
11 6 submitting false information.

11 7 d. Habitual intoxication or addiction to the use of drugs  
11 8 by the applicant, administrator, executive director, manager,  
11 9 or supervisor of the elder group home.

11 10 e. Securing the devise or bequest of the property of a  
11 11 tenant of an elder group home by undue influence.

11 12 f. Founded dependent adult abuse as defined in section  
11 13 235B.2.

11 14 g. In the case of any officer, member of the board of  
11 15 directors, trustee, or designated manager of the elder group  
11 16 home or any stockholder, partner, or individual who has  
11 17 greater than a five percent equity interest in the elder group  
11 18 home, who has or has had an ownership interest in an elder  
11 19 group home, assisted living or adult day services program,  
11 20 home health agency, residential care facility, or licensed  
11 21 nursing facility in this or any state which has been closed  
11 22 due to removal of program, agency, or facility licensure or  
11 23 certification or involuntary termination from participation in  
11 24 either the medical assistance or Medicare programs, or who has  
11 25 been found to have failed to provide adequate protection or  
11 26 services for tenants to prevent abuse or neglect.

11 27 h. In the case of a certificate applicant or an existing  
11 28 certified owner or operator who is an entity other than an  
11 29 individual, the person is in a position of control or is an  
11 30 officer of the entity and engages in any act or omission  
11 31 proscribed by this chapter.

11 32 i. For any other reason as provided by law or  
11 33 administrative rule.

11 34 2. The department of inspections and appeals may as an  
11 35 alternative to denial, suspension, or revocation conditionally  
12 1 issue or continue a certificate dependent upon the performance  
12 2 by the elder group home of reasonable conditions within a  
12 3 reasonable period of time as set by the department of  
12 4 inspections and appeals so as to permit the program to  
12 5 commence or continue the operation of the elder group home  
12 6 pending full compliance with this chapter or the rules adopted  
12 7 pursuant to this chapter. If the elder group home does not  
12 8 make diligent efforts to comply with the conditions  
12 9 prescribed, the department of inspections and appeals may,  
12 10 under the proceedings prescribed by this chapter, deny,  
12 11 suspend, or revoke the certificate. An elder group home shall  
12 12 not be operated on a conditional certificate for more than one  
12 13 year.

12 14 Sec. 11. NEW SECTION. 231B.11 NOTICE == APPEAL ==

12 15 EMERGENCY PROVISIONS.

12 16 1. The denial, suspension, or revocation of a certificate  
12 17 shall be effected by delivering to the applicant or  
12 18 certificate holder by restricted certified mail or by personal  
12 19 service a notice setting forth the particular reasons for such  
12 20 action. Such denial, suspension, or revocation shall become  
12 21 effective thirty days after the mailing or service of the  
12 22 notice, unless the applicant or certificate holder, within  
12 23 such thirty-day period, requests a hearing, in writing, of the  
12 24 department of inspections and appeals, in which case the  
12 25 notice shall be deemed to be suspended.

12 26 2. The denial, suspension, or revocation of a certificate  
12 27 may be appealed in accordance with rules adopted by the  
12 28 department of inspections and appeals in accordance with  
12 29 chapter 17A.

12 30 3. When the department of inspections and appeals finds  
12 31 that an imminent danger to the health or safety of a tenant of  
12 32 an elder group home exists which requires action on an  
12 33 emergency basis, the department of inspections and appeals may  
12 34 direct removal of all tenants of the elder group home and  
12 35 suspend the certificate prior to a hearing.

13 1 Sec. 12. NEW SECTION. 231B.12 DEPARTMENT NOTIFIED OF  
13 2 CASUALTIES.

13 3 The department of inspections and appeals shall be notified  
13 4 within twenty-four hours, by the most expeditious means  
13 5 available, of any accident causing substantial injury or death  
13 6 to a tenant, and any substantial fire or natural or other  
13 7 disaster occurring at or near an elder group home.

13 8 Sec. 13. NEW SECTION. 231B.13 RETALIATION BY ELDER GROUP  
13 9 HOME PROHIBITED.

13 10 An elder group home shall not discriminate or retaliate in  
13 11 any way against a tenant, a tenant's family, or an employee of  
13 12 the elder group home who has initiated or participated in any  
13 13 proceeding authorized by this chapter. An elder group home  
13 14 that violates this section is subject to a penalty as  
13 15 established by administrative rule in accordance with chapter  
13 16 17A and to be assessed and collected by the department of  
13 17 inspections and appeals and paid into the state treasury to be  
13 18 credited to the general fund of the state.

13 19 Sec. 14. NEW SECTION. 231B.14 CIVIL PENALTIES.

13 20 The department may establish by rule, in accordance with  
13 21 chapter 17A, civil penalties for the following violations by  
13 22 an elder group home:

13 23 1. Noncompliance with any regulatory requirements which  
13 24 presents an imminent danger or a substantial probability of  
13 25 resultant death or physical harm to a tenant.

13 26 2. Following receipt of notice from the department of  
13 27 inspections and appeals, continued failure or refusal to  
13 28 comply within a prescribed time frame with regulatory  
13 29 requirements that have a direct relationship to the health,  
13 30 safety, or security of elder group home tenants.

13 31 3. Preventing or interfering with or attempting to impede  
13 32 in any way any duly authorized representative of the  
13 33 department of inspections and appeals in the lawful  
13 34 enforcement of this chapter or of the rules adopted pursuant  
13 35 to this chapter. As used in this subsection, "lawful  
14 1 enforcement" includes but is not limited to:

14 2 a. Contacting or interviewing any tenant of an elder group  
14 3 home in private at any reasonable hour and without advance  
14 4 notice.

14 5 b. Examining any relevant records of an elder group home.

14 6 c. Preserving evidence of any violation of this chapter or  
14 7 of the rules adopted pursuant to this chapter.

14 8 Sec. 15. NEW SECTION. 231B.15 CRIMINAL PENALTIES AND  
14 9 INJUNCTIVE RELIEF.

14 10 A person establishing, conducting, managing, or operating  
14 11 an elder group home without a certificate is guilty of a  
14 12 serious misdemeanor. Each day of continuing violation after  
14 13 conviction or notice from the department of inspections and  
14 14 appeals by certified mail of a violation shall be considered a  
14 15 separate offense. A person establishing, conducting,  
14 16 managing, or operating an elder group home without a  
14 17 certificate may be temporarily or permanently restrained by a  
14 18 court of competent jurisdiction from such activity in an  
14 19 action brought by the state.

14 20 Sec. 16. NEW SECTION. 231B.16 COORDINATION OF THE LONG-  
14 21 TERM CARE SYSTEM == TRANSITIONAL PROVISIONS.

14 22 1. A hospital licensed pursuant to chapter 135B, a health  
14 23 care facility licensed pursuant to chapter 135C, an assisted  
14 24 living program certified pursuant to chapter 231C, or an adult  
14 25 day services program certified pursuant to chapter 231D may

14 26 operate an elder group home, if the elder group home is  
14 27 certified pursuant to this chapter.

14 28 2. This chapter shall not be construed to require that a  
14 29 facility licensed as a different type of facility also comply  
14 30 with the requirements of this chapter, unless the facility is  
14 31 represented to the public as an elder group home.

14 32 3. A certified elder group home that complies with the  
14 33 requirements of this chapter shall not be required to be  
14 34 licensed or certified as a different type of facility, unless  
14 35 the elder group home is represented to the public as another  
15 1 type of facility.

15 2 Sec. 17. NEW SECTION. 231B.17 IOWA ELDER GROUP HOME  
15 3 FEES.

15 4 1. The department of inspections and appeals shall collect  
15 5 elder group home certification and related fees. Fees  
15 6 collected and retained pursuant to this section shall be  
15 7 deposited in the general fund of the state.

15 8 2. The following certification and related fees shall  
15 9 apply to elder group homes:

15 10 a. For a two-year initial certification, seven hundred  
15 11 fifty dollars.

15 12 b. For a two-year recertification, one thousand dollars.

15 13 c. For a blueprint plan review, nine hundred dollars.

15 14 d. For an optional preliminary plan review, five hundred  
15 15 dollars.

15 16 Sec. 18. NEW SECTION. 231B.18 APPLICATION OF LANDLORD  
15 17 AND TENANT ACT.

15 18 Chapter 562A, the uniform residential landlord and tenant  
15 19 Act, shall apply to elder group homes under this chapter.

15 20 Sec. 19. NEW SECTION. 231B.19 RESIDENT ADVOCATE  
15 21 COMMITTEES.

15 22 The commission of elder affairs shall adopt by rule  
15 23 procedures for appointing members of resident advocate  
15 24 committees for elder group homes.

15 25 Sec. 20. NEW SECTION. 231B.20 NURSING ASSISTANT AND  
15 26 MEDICATION AIDE == CERTIFICATION.

15 27 The department of inspections and appeals, in cooperation  
15 28 with other appropriate agencies, shall establish a procedure  
15 29 to allow nursing assistants or medication aides to claim work  
15 30 within an elder group home as credit toward sustaining the  
15 31 nursing assistant's or medication aide's certification.

15 32 Sec. 21. NEW SECTION. 231B.21 MEDICATION SETUP ==  
15 33 ADMINISTRATION AND STORAGE OF MEDICATIONS.

15 34 1. An elder group home may provide for medication setup if  
15 35 requested by a tenant or the tenant's legal representative.  
16 1 If medication setup is provided following such request, the  
16 2 elder group home shall be responsible for the specific task  
16 3 requested and the tenant shall retain responsibility for those  
16 4 tasks not requested to be provided.

16 5 2. If medications are administered or stored by an elder  
16 6 group home, or if the elder group home provides for medication  
16 7 setup, all of the following shall apply:

16 8 a. If administration of medications is delegated to the  
16 9 elder group home by the tenant or tenant's legal  
16 10 representative, the medications shall be administered by a  
16 11 registered nurse, licensed practical nurse, or advanced  
16 12 registered nurse practitioner licensed or registered in Iowa  
16 13 or by the individual to whom such licensed or registered  
16 14 individuals may properly delegate administration of  
16 15 medications.

16 16 b. Medications, other than those self-administered by the  
16 17 tenant or provided through medication setup, shall be stored  
16 18 in locked storage that is not accessible to persons other than  
16 19 employees responsible for administration or storage of  
16 20 medications.

16 21 c. Medications shall be labeled and maintained in  
16 22 compliance with label instructions and state and federal law.

16 23 d. A person, other than a person authorized to prescribe  
16 24 prescription drugs under state and federal law, shall not  
16 25 alter the prescription of a tenant.

16 26 e. Medications shall be stored in their originally  
16 27 received containers.

16 28 f. If medication setup is provided by the elder group home  
16 29 at the request of the tenant or tenant's legal representative,  
16 30 or if medication administration is delegated to the elder  
16 31 group home by the tenant or tenant's legal representative,  
16 32 appropriate staff of the elder group home may transfer the  
16 33 medications in the tenant's presence from the original  
16 34 prescription container to medication dispensing containers,  
16 35 reminder containers, or medication cups.

17 1 g. Elder group home assistance with medication

17 2 administration as specified in the occupancy agreement shall  
17 3 not require the elder group home to provide assistance with  
17 4 the storage of medications.  
17 5 Sec. 22. Section 335.33, Code 2005, is amended to read as  
17 6 follows:  
17 7 335.33 ELDER GROUP HOMES.  
17 8 A county board of supervisors or county zoning commission  
17 9 shall consider an elder group home a family home, as defined  
17 10 in section 335.25, for purposes of zoning, in accordance with  
17 11 section ~~231B.2~~ 231B.4, and may establish limitations regarding  
17 12 the proximity of one proposed elder group home to another.  
17 13 Sec. 23. Section 414.31, Code 2005, is amended to read as  
17 14 follows:  
17 15 414.31 ELDER GROUP HOMES.  
17 16 A city council or city zoning commission shall consider an  
17 17 elder ~~family group~~ home a family home, as defined in section  
17 18 414.22, for purposes of zoning, in accordance with section  
17 19 ~~231B.2~~ 231B.4, and may establish limitations regarding the  
17 20 proximity of one proposed elder group home to another.  
17 21  
17 22  
17 23

17 24 \_\_\_\_\_  
17 25 CHRISTOPHER C. RANTS  
17 26 Speaker of the House  
17 27

17 28 \_\_\_\_\_  
17 29 JOHN P. KIBBIE  
17 30 President of the Senate  
17 31

17 32 I hereby certify that this bill originated in the House and  
17 33 is known as House File 710, Eighty-first General Assembly.  
17 34  
17 35

18 1 \_\_\_\_\_  
18 2 MARGARET THOMSON  
18 3 Chief Clerk of the House

18 4 Approved \_\_\_\_\_, 2005  
18 5  
18 6

18 7 \_\_\_\_\_  
18 8 THOMAS J. VILSACK  
18 9 Governor